

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

The Examiner included an IDS form for an already acknowledged IDS. Applicants again respectfully request that the Examiner acknowledge consideration of the foreign patent documents cited in the Information Disclosure Statement specifically filed on June 11, 2001. An initialed copy of the 1449 form for that IDS is requested.

Applicants appreciate the indication of allowable subject matter in claim 24. It seems that analogous method claim 6 should also be indicated as allowable. Acknowledgement of the allowability of claim 6 is requested.

Claims 1-3, 5, 8-10, 12-17, 20, 25-28, and 30-32 stand rejected under 35 U.S.C. §102(e) as being anticipated based on U.S. Patent 6,490,627 to Kalra. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Kalra fails to satisfy this rigorous standard.

The independent claims are amended to recite that the communication takes place from a source to a receiver and that the processing of video at the application layer takes place at the source. The value of one or more transmission parameters is acquired from a network control element that is separate from the source and the receiver. In the non-limiting example shown in

Figure 2b, the link control 9 is in a node in the radio network (e.g., a BSC) that is separate from the source and receiving mobile terminals A and B. New dependent claims 34-36 relating to handover are added. They find support, for example, on page 22 of the specification.

Kalra describes encoding, storing, transmitting, and decoding multimedia information in the form of scalable, streamed digital data. A transcoder creates a base stream containing basic informational content and subsequent streams containing additive informational content from digital multimedia data. Client computers access a stream server that contains the scalable streamed digital data according to a profile associated with each different client computer. This tailors the accessed streams to match the client computer profile so that the best combination of streams can be provided to maximize the resolution of 3D, audio, and video components.

The independent claims recite that transmission condition parameters are transferred both across layers (e.g., from a lower layer to a higher layer) and between different nodes involved in the communication. Example claim 1 recites:

- “performing said controlling of the processing of video data at a first application layer in said source,”
- “acquiring from a network control element separate from said source and said receiver a value of one or more transmission condition parameters indicative of transmission conditions in the network, where said one or more transmission condition parameters are specific for a second layer provided lower than said first application layer,”
- “providing [from the second layer in the network control element] to said first application layer said derived one or more values,” and

- “performing at said first application layer [at the source] said controlling of the processing of video data including coding or transcoding of video data in accordance with said derived one or more values.”

Kalra fails to teach all of these features. Kalra only vaguely mentions the possibility of taking into account an “available network bandwidth” at column 15, line 51. But no specifics about how this bandwidth is determined are described. Significantly, there is no teaching that bandwidth is acquired at a lower layer by a separate network node and provided to a higher layer a source node.

Figures 13 to 15 of Kalra teach executing a communication between the two endpoints of the communication, namely a server and a client, where all control information is either present at the server or possibly sent from the client to the server. There is no disclosure of acquiring data from a control node located in the network between the server and the client. In other words, Kalra only acquires and processes data at the sender or the receiver of a communication, but there is no description of acquiring data values at an intermediate network node and then using that acquired data to derive control information for use at the sender. Nor does Kalra describe transferring information from an intermediate network node across different layers to a different endpoint node.

Lacking multiple features of the independent claim, the anticipation rejection should be withdrawn. The secondary references cited for supporting dependent claims do not overcome these missing features.

Newly added dependent claims 34-36 recite that the connection includes a predetermined radio link and that one or more transmission condition parameters relate to a condition of said predetermined radio link. Those transmission condition parameters include a handover condition

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parameter and one or more additional transmission condition parameters selected from a group including a current transmission delay on the radio link, a bandwidth allocated for a specific user on the radio link, a current bit error rate on the radio link, a current frame erasure rate, a current carrier to interface ratio on the radio link, and a current power-level on the radio link. Kalra's teachings are in the context of wireline networks, and Sen does not discuss handover. The potential changes in transmission conditions associated with a handover are not contemplated by either reference.

The application is in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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